

REMARKS

Initially, in the Office Action dated July 14, 2004, the Examiner notes that a certified English translation of the priority document JP 2000-195128 is required in order to grant priority. The disclosure is objected to under 37 C.F.R. §1.71 as being ambiguous and incomprehensible. The disclosure is objected to because each figure in the Brief Description of the Drawings should be recited in a separate paragraph.

The drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(4) because Fig. 2, which lists 13 items 24 as classes contradicts Figs. 8, 9 and 10 which lists the same as subclasses 40. The drawings are objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because they do not include the following reference characters mentioned in the description: image display area 44 on page 14, line 15 is not shown in Fig. 8. The Examiner states that the subject matter of the application on page 19, line 21 discusses Figs. 13 and 14, but no Figs. 13 and 14 are provided. Claims 1-9 [sic] have been rejected under 35 U.S.C. §112, second paragraph. Claims 3 and 10 have been rejected under 35 U.S.C. §112, first paragraph.

By the present response, Applicants have cancelled claims 1-10. Applicants have submitted new claims 11-20 for the Examiner's consideration and submit that these claims do not contain any prohibited new matter. Claims 11-20 remain pending in the present application.

Amendments to the Drawings

The attached sheets of drawings include changes to Fig. 8. New Figs. 13(A) – 14(B) (four sheets) are also attached. In Fig. 8, reference numeral “84” is being changed to “44” to correspond with the specification.

Certified Copy of Priority Document

The Examiner has required a certified English translation of Japanese Priority document 2000-195128 in order to grant priority. Applicants are submitting concurrently with this response a copy of this certified document.

Specification Objections

The Examiner has objected to the disclosure under 37 C.F.R. 1.171 as being ambiguous and incomprehensible. Applicants have amended the specification to further clarify the invention and respectfully request that these objections be withdrawn.

The Examiner has objected to the specification because of informalities. Applicants have amended the specification to further clarify the invention and respectfully request that these objections be withdrawn. Regarding the Examiner's assertion that a contradiction exists between the disclosure on page 8, line 23 – page 9, line 23, and page 14, lines 26-27 that the user class is set automatically and set manually, respectively, Applicants point out that on page 9, lines 4-5 it is stated that the user classes are set by the user (i.e., manually) and on page 14, line 8, it is stated that the user classes are set manually, therefore consistent.

Regarding the Examiner's comments regarding the terms "glass frame" and "frame", Applicants respectfully request the Examiner to further clarify this request by providing specific references in Applicants specification that the Examiner considers confusing.

Drawings Objections

The drawings have been objected to as failing to comply with 37 C.F.R. §1.84(p)(4). Applicants have amended the specification to further clarify the invention and respectfully request that these objections be withdrawn.

The drawings have been objected to as failing to comply with 37 C.F.R. 1.84(p)(5). Applicants have amended the figures to further clarify the invention and respectfully request that this objection be withdrawn.

The Examiner states that on page 19, line 21 of Applicants' specification, Figs. 13 and 14 are discussed, but there is no Figs. 13 and 14 provided. Applicants have provided Figs. 13 and 14 with this response and submit that these figures do not contain any prohibited new matter. These figures contain disclosure consistent with Applicants' specification and aid in the understanding of the Applicants' invention.

35 U.S.C. §112 Rejections

Claims 1-9 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have cancelled these claims, therefore, rendering these rejections moot.

Claim 3 has been rejected under 35 U.S.C. §112, first paragraph. Applicants have cancelled this claim therefore rendering this rejection moot. Claim 10 has been rejected under 35 U.S.C. §112, first paragraph. Applicants have cancelled this claim therefore rendering this rejection moot.

New Claims

Applicants have submitted new claims 11-20 for consideration by the Examiner and respectfully submit that these claims do not contain any prohibited new matter and are patentable. New independent claim 11 is proposed to replace claim 1 in response to the suggestion by the Examiner relating to claim 1. In claim 1, the Examiner pointed out that it was not clear which displayed images, the first displayed images or the second displayed images. New claim 11 further clarifies the present invention.

In new claim 11, "storage means for storing image data" is disclosed in the specification, page 8, line 4 and as "image storage device 8" in Fig. 1. The definition of claim 11 as "display device" is disclosed in the specification, page 8, lines 4-5 as "monitor 9". The definition of claim 11 as "input means for receiving an operation by said operation button" is disclosed in the specification, page 8, line 14 as "key board 5", and the operation of the input means is shown in page 12, line 12 as "changed by drag & drop operation". The definition of claim 11 as "computer for classifying said image data according to a classification category" is disclosed in the specification, page 8, lines 23-28 as "The classification by the main class 21 is processed automatically in the host computer 1 and displayed on a monitor 9, i.e. display screen, via the image processor 3", and that is, the classification of main class 21 becomes to be the classes as class 24. The definition of claim 11 as "category hierarchy display area" is disclosed in the specification, page 11, line 28 as "sub class tree display area 40" relating to Fig. 8 as an example of only class category,

and relating to Fig. 10 as an example of class category and user category. The definition of claim 11 as "first display area" is disclosed in the specification, page 11, lines 15-16 as "main class thumbnail display area 42". The definition of claim 11 as "first display area" is disclosed in the specification, page 11, lines 16-17 as "user class display area 43". The definition of claim 11 as "said computer receives a moving operation of said image data from said first display area from said input means" is disclosed in the specification, page 12, lines 11-13 as "The displayed thumbnail image can be changed to another by drag & drop operation in each display area" relating to Fig. 3. The definition of claim 11 as "said computer stores said user category in an area where said image data is moved as that of said image data" is disclosed in the specification, page 12, lines 11-13 as "The displayed thumbnail image can be changed to another by drag & drop operation in each display area" as explained above, and it is clear that as the thumbnail images are arranged in this way, the user category in the moved area is stored as a user category of the image data corresponding to the thumbnail.

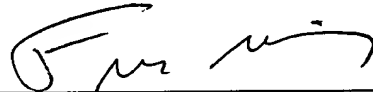
Claims 12-20 are dependent on independent claim 11 and are patentable at least for the same reasons noted regarding this independent claim.

In view of the foregoing amendments and remarks, Applicants submit that claims 11-20 are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 503.40284X00).

Respectfully submitted,

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Attachment: Replacement Sheet
New Drawing Sheets (Figs. 13(A) – 14(B))
Sworn Translation of Priority Document JP 2000-195128